IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1885 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAMNADAS HIMATLAL GANDHI

Versus

SHANTILAL GORDHANDAS GANDHI

Appearance:

1. Civil Revision Application No. 1885 of 1984

UNSERVED-EXPIRED (N) for Petitioner No. 1

MR PM THAKKAR for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 27/12/2002

ORAL JUDGEMENT

1. This is a very old revision of the year 1984 pending in this Court for various reasons.

2. This revision was filed on behalf of the revisionist by the learned advocate Shri P.B. Majmudar who was subsequently elevated as Judge of this Court. Consequently by order dated 21st March, 2000, the Registry issued a notice to the petitioner. As the aforesaid order indicates, this was the second notice to be issued to the petitioner and that when the earlier notice issued by this Court for the same purpose was sought to be served, the family members of the petitioner in fact informed the bailiff that the petitioner has expired and further more furnished the bailiff a copy of the death certificate. Consequently by the said order second notice was directed to be issued to the petitioner together with the gujarati translation, which notice was made returnable on 17th October, 2000. This second notice was sought to be served at the residence of the deceased applicant as shown in the cause title of the revision application. However, as the report of the bailiff dated 17th October, 2000 discloses, the house was locked and no one was available. Yet, the bailiff ascertained fresh addresses of the heirs of the deceased applicant from the neighbours, traced out the heirs at their new residence, and served the second notice issued by the High Court alongwith the gujarati translation to each of the seven heirs of the deceased applicant. All these facts are evident from the bailiff's report dated 17th October, 2000.

2.1. However, till today, no appearance have been filed on behalf of the heirs of the deceased applicant in the revision application. It is, therefore, obvious that the said heirs of the deceased applicant are no longer interested in pursuing this case.

3. This revision application is, therefore, dismissed for want of prosecution and Rule is discharged with no order as to costs. Interim relief stands vacated.

[Y.B. BHATT, J.]

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